

SENATE BILL 399
EMERGENCY BILL

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2004 Regular Session
4r2730
CF HB 436

By: **Senator Jimeno (Chairman, Anne Arundel County Delegation)**

Introduced and read first time: February 5, 2004

Assigned to: Budget and Taxation

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 9, 2004

CHAPTER _____

1 AN ACT concerning

2 **Anne Arundel County - Wiley H. Bates High School Loan of 1997**

3 FOR the purpose of ~~providing that the grantee of the Anne Arundel County - Wiley H.~~
4 ~~Bates High School Loan of 1997 has until June 1, 2005, to expend or encumber~~
5 ~~the loan proceeds; and generally relating to the Anne Arundel County - Wiley H.~~
6 ~~Bates High School Loan of 1997~~ amending Chapter 221 of the Acts of 1997 to
7 require that the loan proceeds be encumbered by the Board of Public Works or
8 expended for certain purposes by a certain date; and making this Act an
9 emergency measure.

10 BY repealing and reenacting, without amendments,
11 Chapter 221 of the Acts of the General Assembly of 1997
12 Section 1(1) through (6)

13 BY adding to
14 Chapter 221 of the Acts of the General Assembly of 1997
15 Section 1(7)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Chapter 221 of the Acts of 1997**

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That:

21 (1) The Board of Public Works may borrow money and incur indebtedness on
22 behalf of the State of Maryland through a State loan to be known as the Anne Arundel

1 County - Wiley H. Bates High School Loan of 1997 in a total principal amount equal
2 to the lesser of (i) \$1,000,000 or (ii) the amount of the matching fund provided in
3 accordance with Section 1(5) below. This loan shall be evidenced by the issuance, sale,
4 and delivery of State general obligation bonds authorized by a resolution of the Board
5 of Public Works and issued, sold, and delivered in accordance with §§ 8-117 through
6 8-124 of the State Finance and Procurement Article and Article 31, § 22 of the Code.

7 (2) The bonds to evidence this loan or installments of this loan may be sold as
8 a single issue or may be consolidated and sold as part of a single issue of bonds under
9 § 8-122 of the State Finance and Procurement Article.

10 (3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer
11 and first shall be applied to the payment of the expenses of issuing, selling, and
12 delivering the bonds, unless funds for this purpose are otherwise provided, and then
13 shall be credited on the books of the Comptroller and expended, on approval by the
14 Board of Public Works, for the following public purposes, including any applicable
15 architects' and engineers' fees: as a grant to the County Executive and County Council
16 of Anne Arundel County (referred to hereafter in this Act as "the grantee") for the
17 repair, renovation, rehabilitation, reconstruction, and capital equipping, including
18 asbestos removal and other improvements to the infrastructure, of the historic Wiley
19 H. Bates High School, located in Annapolis, for use as a senior center, adult day care
20 center, gymnasium, community center, and site for specific newly formed small
21 businesses from within the community.

22 (4) An annual State tax is imposed on all assessable property in the State in
23 rate and amount sufficient to pay the principal of and interest on the bonds as and
24 when due and until paid in full. The principal shall be discharged within 15 years
25 after the date of issuance of the bonds.

26 (5) Prior to the payment of any funds under the provisions of this Act for the
27 purposes set forth in Section 1(3) above, the grantee shall provide and expend a
28 matching fund. No part of the grantee's matching fund may be provided, either
29 directly or indirectly, from funds of the State, whether appropriated or
30 unappropriated. No part of the fund may consist of real property, in kind
31 contributions, or funds expended prior to the effective date of this Act. In case of any
32 dispute as to the amount of the matching fund or what money or assets may qualify
33 as matching funds, the Board of Public Works shall determine the matter and the
34 Board's decision is final. The grantee has until June 1, 1999, to present evidence
35 satisfactory to the Board of Public Works that a matching fund will be provided. If
36 satisfactory evidence is presented, the Board shall certify this fact and the amount of
37 the matching fund to the State Treasurer, and the proceeds of the loan equal to the
38 amount of the matching fund shall be expended for the purposes provided in this Act.
39 Any amount of the loan in excess of the amount of the matching fund certified by the
40 Board of Public Works shall be canceled and be of no further effect.

41 (6) (a) Prior to the issuance of the bonds, the grantee shall grant and convey
42 to the Maryland Historical Trust a perpetual preservation easement to the extent of
43 its interest:

1 (i) On the land or such portion of the land acceptable to the Trust;
2 and

3 (ii) On the exterior and interior, where appropriate, of the historic
4 structures.

5 (b) The easement must be in form and substance acceptable to the Trust
6 and the extent of the interest to be encumbered must be acceptable to the Trust.

7 (7) ~~THE GRANTEE HAS UNTIL JUNE 1, 2005, TO EXPEND OR ENCUMBER THE~~
8 ~~PROCEEDS OF THE LOAN~~ THE PROCEEDS OF THE LOAN MUST BE ENCUMBERED BY
9 THE BOARD OF PUBLIC WORKS OR EXPENDED FOR THE PURPOSES PROVIDED IN THIS
10 ACT NO LATER THAN JUNE 1, 2005.

11 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect~~
12 ~~June 1, 2004.~~

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
14 measure, is necessary for the immediate preservation of the public health or safety,
15 has been passed by a yea and nay vote supported by three-fifths of all the members
16 elected to each of the two Houses of the General Assembly, and shall take effect from
17 the date it is enacted.